IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 943 of 2005 (S/S)

Raghvendra Narain Verma
S/o Shri Satish Chandra Verma
R/o Village & Post Kandoli
Rajpur Road
District Dehradun …Petitioner

Versus

1. State of Uttaranchal through
   Secretary Education
   Civil Secretariat
   Uttaranchal, Dehradun
2. Additional Director of Education
   Garhwal Division, Pauri Garhwal
3. Joint Director of Education
   Garhwal Division, Pauri Garhwal
4. Principal
   Government High School
   Dunga, District Dehradun …Respondents

Sri Rajendra Dobhal, learned counsel for the petitioner.
Sri N.B. Shah, learned standing counsel for the State.

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has sought in the nature of certiorari quashing the impugned transfer order dated 29.06.2005(annexure No. 4 to the petition) passed by the respondent No. 2 i.e. Additional Director of Education, Garhwal Division, Pauri Garhwal.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher (L.T. Grade) Biology on 10.08.1991 in Government High School, Garkhet, District Tehri Garhwal. Thereafter, in pursuance of the transfer order dated 14.09.2001 the petitioner was transferred for Government High School, Dunga, District Dehradun which comes under the category of remote area (Durgam).

The respondent No. 2 has passed an order by which the petitioner has been transferred from Government High School, Dunga, District Dehradun to Government Inter College, Naulwaswar, District Tehri Garhwal.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has also argued that in District Dehradun, the post of Assistant Teacher (L.T. Grade) (Biology) are lying vacant in Government High School, Vani Vihar, Block Raipur, District Dehradun and also in Government High School. Rudrapur Block Sahaspur, District Dehradun.

Learned counsel for the petitioner has submitted that the Rules pertaining to the inconsistent category has not been followed in case of the petitioner. Moreover, he has further submitted that a person who is posted at *Durgam area* should be ultimately posted to the *Sugam area* and this Rule has not been considered while transferring the petitioner.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

It has further been submitted that the policy which has been provided vide Government Order dated 13.05.2005 has not been considered by the respondent in passing the impugned transfer order dated 29.06.2005.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

The record shows that the petitioner has already made a representation before the respondent No. 2 i.e. Additional Director of Education, Garhwal Division, Pauri Garhwal on 08.07.2005 which has

been filed as annexure 5 to the petition and that representation is yet to be decided.

Accordingly, the writ petition is disposed of finally.

However, the respondent No. 2 are directed to decide the representation of the petitioner dated 08.07.2005 (annexure 5 to the petition) provided the petitioner shall file the certified copy of the judgment passed by this Court within a period of 15 days and the respondent No. 3 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

13.07.2005
ASWAL